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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,278	02/13/2001	Seiji Umemoto	Q63079	9442

7590 01/26/2004

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EXAMINER

AKKAPEDDI, PRASAD R

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Advisory Action	Application No.	Applicant(s)	
	09/781,278	UMEMOTO, SEIJI	
	Examiner Prasad R Akkapeddi	Art Unit 2871	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-13.

Claim(s) withdrawn from consideration: _____.

8. The drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). 0801,1201.

10. Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because: The cited prior art teaches all the featured elements of the recited limitations in the instant application. Rearrangement of the elements in a different way without expressly pointing out the uniqueness or resulting in any 'unexpected result' as a result of the rearrangement is not grounds for allowance. The Examiner's original rejection was based on 35 U.S.C. 103 (and not 102) and as such it would have been obvious to one having ordinary skill in the art at the time of the invention to adapt the proposed rearrangement of these elements. Akins teaches that additional variations in the embodiments may be apparent from the specification (col. 14, lines 60-62). Besides, a polarizer can also be considered as a transparent film and 'groove structure' is considered as a 'ridged surface' by one having ordinary skill in the art at the time of the invention. In addition, on page 5 of the Remarks submitted on 12/31/2003, the applicant goes into extensive discussion that the prism angle of Akins is 21 degrees or less, and as such the inclination angle as recited in claim 1 would not have been obvious to one of ordinary skill. In (col. 6, lines 32-35) Akins teaches that the first angle may range from 10 to 60 degrees with an optimum angle of 15 to 25 degrees. Hence, the range of 10 to 60 degrees overlaps the range of 35 to 48 degrees as pointed out in the earlier office actions. The reflector of Akins also transmits light through the cell as can be seen from Fig. 2, in addition to reflecting the light incident from the viewing direction (64).

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